

Application No. 10/802,440
Amendment dated April 17, 2007
After Final Office Action of November 6, 2006

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Docket No.: V0139.70060US01

REMARKS

Applicant respectfully requests reconsideration. Claims 1-11 are pending for examination with claims 1, 6 and 7 being independent claims. No new matter has been added.

Allowed Claims

Applicant gratefully acknowledges the indication by the Examiner that claims 7-11 are allowed.

In a brief phone conversation with Examiner Vandervegt, the status of the patent application and Advisory Action was discussed. Applicants pointed out that the conclusion in the Advisory Action with respect to Fanciulli reference was based on incorrect facts. The Examiner indicated that he would review and consider an additional response submitted by Applicant clarifying this point. Applicants thank the Examiner and enclose the discussed response.

Claim Rejections -- 35 USC § 103

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fanciulli et al. (Oncology Res. [1996] 8(3): 111-120) in view of Ianiello et al (Cancer [1996] 78(1):63-69). The Examiner states that it would have been obvious to come up with the combination of glucose and adriamycin because "Fanciulli already teaches the combination of glucose with LND" and that a skilled artisan would replace LND with ADR. Applicants disagree.

Fanciulli hypothesized that the reversal of resistance by LND in ADR resistant cells might depend on greater sensitivity to ADR due to the cell's enhanced energy metabolism. Fanciulli conducted an in vitro experiment using glucose and LND and concluded that LND decreased glucose utilization, showed that LND inhibited glycolysis to a greater extent in ADR resistant cells, and that LND could decrease multidrug resistance to ADR. Fanciulli did not teach that glucose should be administered to the cell in conjunction with LND. Thus, even if one skilled in the art were going to substitute ADR for LND in the methods of Fanciulli, the substitution would not produce a combination of ADR with glucose in the therapeutic method. The Examiner has stated

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that glucose and LND were already combined in the Fanciulli reference. However they were never combined in the therapeutic method. It was an *in vitro* assay to identify a mechanism. There is no suggestion in Fanciulli that the glucose should be included in a therapeutic method. The Applicant thereby requests that claims 1-6 be allowed and the rejection withdrawn.

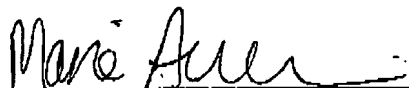
CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any deficiency to Deposit Account No. 23/2825 under docket no. V0139.70060US01.

Dated: April 17, 2007

Respectfully submitted,

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